

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of LHP, LLC

**130 N. 27th Street, #6
Lincoln Nebraska**

Respondent

Docket No. TSCA-07-2014-0029

**CONSENT AGREEMENT AND
FINAL ORDER**

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on May 29th, 2014, pursuant to Section 409 of the Toxic Substance Control Act (TSCA), 15 U.S.C. § 2689, when Complainant issued a Complaint and Notice of Opportunity For Hearing ("Complaint") to LHP, LLC. (Respondent). The Complaint charged Respondent for failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*, promulgated pursuant to 15 U.S.C. 2682(c), 2686, and 287. The Complaint proposed a total civil penalty of Twenty-six Thousand Eight Hundred and Forty Dollars (\$26,840) against Respondent for the violations. The parties subsequently entered negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations, and fully and finally resolves the allegations contained in the Complaint. The parties have agreed, without concession of liability or fault, to comprise the claims and disputes between and among them upon the terms set forth below.

CONSENT AGREEMENT

1. For the purposes of this proceedings, Respondent admits the jurisdictional allegations set forth in the Complaint.
2. Respondent waives any right to contest the allegations set forth in the Complaint, and its right to appeal the proposed Final Order portion of this Consent Agreement and Final Order.
3. Respondent and EPA agree to settle this matter without the necessity of a formal hearing and to each bear their own respective costs and attorneys' fees.
4. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment to settle this matter in the amount of: Two Thousand Dollars (\$2,000) to be paid within seven (7) days after the effective date of the Final order.
5. Respondent understands that failure to timely pay any portion of the settlement may result in the commencement of a civil action in Federal District Court to recover the full remaining balance along with interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until the settlement and any accrued interest are paid in full. A late payment handling charge of not more than \$100 will be will be imposed after thirty (30) days. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.
6. Complainant understands that in return for Respondent agreeing to give it something of value ("the Consideration") as described in Paragraph 4, it will be giving up, waiving and releasing any claims that it might have against LHP, LLC, and certain related persons or organizations.

7. Complainant understands that this Agreement binds not only it, but also anyone who might stand in its place and assert its rights.
8. By signing this Agreement, and in exchange for receiving the consideration described in Paragraph 4, Complainant completely releases and fully discharges Respondent from any and all claims, whether now known to Complainant or not known, through the date of its signing this Agreement and Final Order.
9. Complainant understands and agrees that neither this Agreement nor the furnishing of the consideration for this Agreement shall be deemed or construed at any time for any purpose as an admission by LPH, LLC of wrongdoing or evidence of any liability of any unlawful conduct of any kind.

FINAL ORDER

Pursuant to the provisions of Section 409 of the TSCA, as amended, 15 U.S.C. § 2689, and based upon the information set forth in the Consent agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay the settlement amount the parties agreed to of: Two Thousand Dollars (\$2,000) to be paid in full within seven (7) days after the effective date of this Final Order.
2. Payment shall be by cashier's or certified checks which shall identify the Respondent by name and Docket Number TSCA-07-2014-0029, and made payable to the "United States Treasury" and remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

3. PEF copies of the checks shall simultaneously be emailed to: richards.robert@epa.gov.

4. The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer.
5. Respondent and Complainant shall each bear their own respective costs and attorneys' fees.

RESPONDENT:

LHP, LLC

A Nebraska Limited Liability Company

Date: _____

By: _____

David Fiala
Authorized Officer of LHP, LLC

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

By: _____

Jamie Green, Chief
Toxic and Pesticides Branch, Water Wetlands
and Pesticides Division

Date: _____

By: _____

Robert W. Richards
Attorney
Office of Regional Counsel